REMARKS

In response to the Office Action mailed August 26, 2004, the Examiner's claim rejections have been considered. Applicants note that the Examiner has withdrawn the rejection under Paravia (U.S. Patent No. 6,508,710). Applicants have fully considered the entire reference (MacDoran et al.) as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the references cited by the Examiner. As such, the Applicants' response is not directed to a specific portion of the cited reference, but rather to the reference as a whole. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection 35 U.S.C. § 102(b) – Claims 1-76

Claims 1-76 are pending in the present application and were rejected in the Office Action dated August 26, 2004, under 35 U.S.C. § 102(b) as being anticipated by MacDoran et al. (U.S. Patent No. 5,757,916). Applicants respectfully traverse this rejection. However, in order to provide clarification, claims 1, 30, 35, 41, 43 have been amended. The remainder of the claims are dependent claims and, as such, depend from their respective independent claims. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

None of the cited references teach or suggest each and every element of the claimed invention, as amended. Specifically, none of the cited references teach or suggest a system for enabling remote access to an application server that includes "means for identifying a first number from which the user has dialed, wherein the first number identifying means prevent the user from circumventing the system by activating a dialer at a user location from a location other than the user location." The MacDoran et al. patent discloses a system that is directly at odds with the claimed invention, and indeed, actually teaches away from the claimed invention.

The MacDoran et al. patent discloses a system for authenticating the location of remote users that is based around Global Positioning System technology. Specifically, the MacDoran et

al. patent discloses acquiring a location signature obtained by a Global Positioning System (GPS) sensor device that is utilized as a location signature sensor (LSS) device. With the exception of the "Background" section, the entirety of the MacDoran et al. patent is directed towards GPS sensor devices and GPS related systems, with no discussion of non-GPS related systems. Indeed, in the Background section, the MacDoran et al. patent briefly describes non-GPS systems as inferior to GPS systems (primarily due to security concerns), and moreover, "teaches away" from the use of non-GPS systems for authenticating the location of remote users.

As mentioned above, the Background section does briefly refer to dialer mechanisms for use in a location authentication system. However, the MacDoran et al. patent "teaches away" from such systems, inaccurately implying that the security of these systems is unsatisfactorily vulnerable to failure. In this regard, the MacDoran et al. patent discloses a few security measures in the Background section, which it dismisses as unacceptably vulnerable. Nevertheless, the MacDoran et al. patent does NOT teach or suggest a system for enabling remote access to an application server that includes "means for identifying a first number from which the user has dialed, wherein the first number identifying means prevent the user from circumventing the system by activating a dialer at a user location from a location other than the user location," as required by the claimed invention. This robust non-circumvention measure that is incorporated in the claimed invention provides strong security for the non-GPS remote access verification system, as claimed.

Therefore, not only does the MacDoran et al. patent lack any disclosure whatsoever of such a "first number identifying means," the MacDoran et al. patent clearly teaches away from the claimed invention by advocating a complete abandonment of non-GPS systems, which it deems as unacceptably insecure, in favor of adopting GPS sensor devices that are utilized as a location signature sensor (LSS) device. Thus, the MacDoran et al. patent does NOT teach or suggest the non-GPS remote access verification system, as claimed. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claims 1-76 as anticipated by the MacDoran et al. patent has been overcome.

2. Claims Rejections - 35 U.S.C. §103(a) – Claims 10, 22, 25, 42, 57, and 69

Claims 10, 22, 25, 42, 57, and 69 are pending in the present application and were rejected in the Office Action dated August 26, 2004, under 35 U.S.C. § 103(a) as being unpatentable over

MacDoran et al. (U.S. Patent No. 5,757,916). Applicant respectfully traverses this rejection. However, in order to provide clarification, claims 1, 30, 35, 41, 43 have been amended. The remainder of the claims are dependent claims and, as such, depend from their respective independent claims. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

As stated above, not only does the MacDoran et al. patent lack any disclosure whatsoever of such a "first number identifying means," the MacDoran et al. patent clearly teaches away from the claimed invention by advocating a complete abandonment of non-GPS systems, which it deems as unacceptably insecure, in favor of adopting GPS sensor devices that are utilized as a location signature sensor (LSS) device. Thus, the MacDoran et al. patent does NOT teach or suggest the non-GPS remote access verification system, as claimed. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 10, 22, 25, 42, 57, and 69 as unpatentable over the MacDoran et al. patent has been overcome.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, reconsideration and allowance of all of claims 1-76 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8319. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

Dated: 2/16/05

BROOKE W. QUIST
Reg. No. 45,030
Attorney for Applicant
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
1880 Century Park East, Suite 711
Los Angeles, CA 90067
(310) 712-8300